SINGLE BENCH

(1)

03

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION No. 3389 /2005

Petitioner

Jabiullah s/o Sakhawat
Quarter no.-51-A
Subhas Colony (Duman Hill)
P.O. Sonawani
Dist- Koria (CG)

Versus

Respondents

P.R. No. 3489/05
Presented by Shri S.K. Mukherjee
dated 22/7/05

(1) South Eastern Coalfields Limited
Through its Chairman-cum-
Managing Director
Seepat Road,
Bilaspur (CG) – 495 006

(2) Sub Area Manager,
N.C.P.H. Colliry
P.O. Haldibari
Dist-Korea(CG)

(3) Sub Area Manager,
North Chirimiri Colliery, SECL
Post: Gelhapani
Chirimiri Area
Dist: Korea

Writ Petition under Article 226 of the Constitution of India.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 3389/05 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

05-08-2005

W.P.No. 3389 of 2005

Heard Shri Gary Mukhopadhyay, counsel for the petitioner and Shri P.S. Koshy, counsel for respondents No.1, 2 and 3 on advance copy.

Learned counsel for the petitioner submits that the petitioner is presently working on the post of Loader in NCPH Colliery, District Korea (Chhattisgarh). He further submits that the actual date of birth of the petitioner is 22-10-1956 which is entered into the *Parivar* Register of the concerned Panchayat. He also refers to the document Annexure-P/2 which is a photocopy of the relevant page of the aforesaid register in which the name of the petitioner finds place at S.No.3 and the petitioner's date of birth is mentioned as 22-10-1956. Shri Mukhopadhyay also refers to the certificate of Basic Shiksha Parisad, Gorakhpur which is filed as Annexure-P/6. In this certificate, the date of birth of the petitioner is mentioned as 1-5-1956. Learned counsel for the petitioner submits that though the petitioner's birth is in the year 1956 but his date of birth in the service record has been wrongly mentioned as 1-11-1945 and on the basis of the aforesaid entry in the service records, now the respondents are inclined to retire the petitioner on 31-10-2005 on account

(पीछे देखिये)

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आदेश पत्रक

मामला क्रमांक WP 3389/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

of completion of age of superannuation applicable in case of the petitioner.

For the present, learned counsel for the petitioner submits that this petition may be disposed of with a direction to the respondents to refer the case of the petitioner to the Age Determination Committee and the said Committee may also be directed to dispose of the case of the petitioner as early as possible preferably within a period of one month so that the matter may come to an end before the proposed date of superannuation of the petitioner.

To this limited prayer, made by learned counsel for the petitioner, learned counsel for the respondents has no objection.

Consequently, the prayer is allowed.

It is hereby directed that the case of the petitioner shall be referred to the Age Determination Committee by the respondents within a period of 15 days from the date of production of certified copy of this order before the concerned respondent and if such reference is made, the Committee shall dispose of the case of the petitioner as early as possible preferably within a period of six weeks from the date of receipt of reference of the respondents. The decision taken by the Committee and handed over to the respondents shall be

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 3389/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Gowri	communicated to the petitioner before the date of superannuation i.e. prior to 31-10-2005. With the aforesaid observations and directions the petition stands finally disposed of at this stage. Consequently, M.(W.).P.No.2861/05 & I.A.No.6426/05 also stand disposed of. Certified copy as per rules. Sd/- Sunil Kumar Sinha Judge	

(पीछे देखिये)